

Project TOS 01-902

Applicant: Raul Mendoza

Date Prepared: January 28, 2002

## NEGATIVE DECLARATION

### DESCRIPTION OF PROJECT:

#### Proposal, Zoning and Parcel Size:

Approval of a Special Use Permit to establish a new dairy operation in the AE-40 (Exclusive Agricultural - 40 Acre Minimum) Zone to accommodate a maximum of 4,850 total animal units (3,350 milk cows) in a facility covering approximately 78 acres of the 738 acre subject site. The balance of the acreage. (except for 81.92 acres in pasture) would remain under cultivation and available for irrigation with reclaimed dairy wastewater.

#### Location

West side of Road 41, at the Avenue 12 alignment, northwest of Wylie.

#### Project Facts:

Refer to Initial Environmental Study for a) project facts, plans and policies, b) discussion of environmental effects and mitigation measures and c) determination of significant effect.

#### Attachments:

Initial Environmental Study (X)

Maps (X)

Mitigation Measures ( )

Letters (X)

Staff Report (X)

### DECLARATION OF NO SIGNIFICANT EFFECT:

This project will not have a significant effect on the environment for the following reasons:

- (a) The project does not have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of an endangered, rare, or threatened species, or eliminate important examples of the major periods of California history or prehistory.
- (b) The project does not have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals.
- (c) The project does not have environmental effects which are individually limited but cumulatively considerable. Cumulatively considerable means that the incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.
- (d) The environmental effects of the project will not cause substantial adverse effects on human beings, either directly or indirectly.

This Negative Declaration has been prepared by the Obergene County Resource Management Agency, Current Planning Division in accordance with the CEQA 1970, as amended. A copy may be obtained from the Obergene County Resource Management Agency, Current Planning Division staff during normal business hours.

APPROVED  
LESLIE FURTH  
ENVIRONMENTAL ASSESSMENT OFFICER

BY:

I

DATE APPROVED:- 2/3/02.

REVIEW PERIOD: 30 days

NEWSPAPER:  
Obergene Times-Tattler  
Manso Recorder  
(X) Wylie Advance-Cyclone

OBERGENE COUNTY RESOURCE MANAGEMENT AGENCY  
- CURRENT PLANNING -

Staff Report/Environmental Assessment Initial Study

Case No. DDP 01-062

GENERAL:

I. Applicant:

Raul Mendoza 21223 Road 34  
Obergene CA 97211

2. Owner:

same as above

3. Agent:

same

4. Requested Action:

Special Use Permit to establish a new dairy in the AE-40 (Exclusive Agricultural - 40 Acre Minimum) Zone.

5. Location:

West side of Road 41, at the Avenue 12 alignment, northwest of Wylie.

APNs: 293-190-33, 293-160-24, 293-170-05, -07

Portions of Sections 21, 22, 27, 28, Township 22 South, Range 24 East MDB&M

6. Applicant's Proposal:

Establish a new dairy operation to accommodate a maximum of 4,850 total animal units (3,350 milk cows) in a facility covering approximately 78 acres of the 738 acre subject site. The balance of the acreage (except for 81.92 acres in pasture) would remain under cultivation and available for irrigation with reclaimed dairy wastewater.

## COMPATIBILITY WITH-EXISTING ZONING, PLANS AND POLICIES:

### I Zoning and Land Use:

Site - AE-40; field crops, pasture, residence.

North - AE-40; field crops.

East - AE-40; field crops, abandoned turkey facility, scattered residences.

West - AE-40, field crops, pasture.

South - AE-40; field crops, reserve area.

### 2. Zoning, Entitlement and Other Ordinance Characteristics:

Pursuant to Section 16 of Ordinance No. 352, as amended (the Zoning Ordinance) establishment of a dairy, when more than 25 animals are on the property at any time, is allowed in the AE-40 Zone subject to use permit approval. Expansions of permitted dairies or substantial modifications to existing grandfathered dairies are also subject to use permit approval.

Section 16 of Ordinance No. 352, as amended, states the following:

"A Special Use Permit shall be granted only if it is found that the establishment, maintenance, and operation of the use of the building or land applied for will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood or to the general welfare of the County. Special Use Permits may be granted subject to such conditions as will insure compliance with the aforementioned standards."

The Obergene County Building Line Setback Ordinance requires that all above and below ground facilities be constructed at least 50 feet from the centerline of the right of way of Road 41. The proposed facility is in conformance with this requirement.

### 3. Access/Circulation:

Access to the proposed dairy facility would be from Road 41, a 67 foot wide right of way which is in the county-maintained road, system. Ultimate right of way for Road 41 is 84 feet according to the Transportation Division of RMA.

### 4. General Plan Elements:

The subject site is located outside of any Urban Area Boundary as designated in the Urban Boundaries Element, and is therefore subject to the policies of the Rural

Valley Lands Plan (RVLP).

The RVLP designates the site as agricultural and provides the following policy objectives:

- a. Discourage the conversion or division of agricultural lands to nonagricultural uses and parcel sizes.
- b. Provide for limited nonagricultural activities and necessary agricultural related industries in selected rural areas.

Since dairy and feedlot facilities are agricultural industries, this proposal meets the General Plan policies as they pertain to the RVLP.

The ERME 012en Space Plan designates the site as "Extensive Agriculture". This plan encourages the maintenance of agricultural lands for agricultural purposes. This plan also shows the subject site as outside of the Community Windshed designated for Wylie.

This project, subject to the attached conditions of approval, is compatible with the General Plan of the County of Obergene.

5. Planning Commission Policies and Precedents:

The Agricultural Advisory Committee's "Obergene County Dairy/Animal Confinement Facility Policies" have been adopted by the Planning Commission (Resolution No.793) and by the Board of Supervisors (Resolution No. 98-054) as an interim policy document for the location of new animal confinement facilities until new policies are incorporated into the County General Plan.

a. Facility Design Characteristics:

The proposed new dairy facility would front on Road 41 with the driveway to the milk barn along the Avenue 12 alignment. (County right of way for Avenue 12 stops at Road 41 and resumes 2 miles further west.) The milk cows will be kept in freestall barns. The support stock will be kept in open corrals. The sumps are proposed to be located at the west end of the facility. The sump system includes two 50 foot wide separation lagoons which flow into a 100 foot wide main lagoon.

b. Policy Conformity Characteristics:

The proposed dairy meets all of the Policies except as follows:

The proposed facility location is less than 1/2 mile from the existing buildings of a poultry facility. However, this poultry facility has been

inactive for a period of over 2 years and Special Use Permit PSP 85084, which allowed the establishment of the poultry facility, has been deemed expired by the County under provisions of the Zoning Ordinance due to this inactivity.

Of the 638.28 acre subject site, 488.36 acres meet the definition of "crop acreage" in the Policies. The on-site proposed animal unit density is 7.88 animal units per crop acre which is more than the "baseline" density of 4 per acre but less than the maximum density of 10 per crop acre. Within this range the Policies set forth parameters for the maximum allowable animal units per crop acre for different dairy development and operating scenarios that may be utilized by individual dairies.

The proposed animal unit density per crop acre for this proposed freestall facility slightly exceeds conformance with the Policy parameters as shown in the table below:

This is proposed to be a freestall (milk cows) and open corral (support stock) facility. All of the solid manure is proposed to be taken off site and all of the available crop acreage could be double cropped (although the applicant has stated that in an average year they would normally plant 40% of the acreage in alfalfa). Therefore, reducing the maximum herd size from 3,850 animal units to 3,814 animal units (a reduction of 36 animal units) would bring the facility into conformance with the density policy.

The milk cow density is 5.22 animal units per crop acre which is below the maximum density of 8 per crop acre. The total animal unit density within a one mile radius of the subject site is 1.8 animal units per acre which is less than the maximum of 4 per acre. However, the area to the south of the

subject site includes several existing or approved large dairies. The one mile radius animal unit density for DDP 97-096, an approved but not built dairy on the south edge of the mile radius for the subject site, is already at 4.0. Therefore, establishment of this proposed dairy will cause the one mile radius animal unit density of an existing animal confinement facility within the mile radius of the subject site to exceed 4 animal units per acre, which would not be in conformance with Policy No. 3. Note that Policy No. 3 refers to "existing operations". PSP 97-096 is not an existing operation. However, the Planning Commission has in the past applied the policy to approved dairy use permits, even if the dairy is not built. Data used in calculating this density is summarized in the attachments (see Attachment No. 1).

The Planning Commission has normally approved requests for special use permits to establish or expand dairies when it can be shown that the approval of said permit will not adversely affect nearby residents or properties.

6. Planning Commission Development Standards:

These standards are not applicable in exclusive agricultural zones unless the project involves urban type uses or is located adjacent to urban (residential, commercial, industrial) uses or zoning. This is not the case for the subject site.

ENVIRONMENTAL SETTING:

I Topographical Setting:

The site is basically flat.

2. Flooding Potential:

The subject site is located within Zone "C" of Panel 1025 of the Flood Insurance Rate Map for Obegene County (FEMA, 1986). This indicates minimal flood hazard. Construction within Zone C requires no specific flood hazard avoidance measures.

## 3. Soils:

Soil Type (in order of coverage)	Capability Class Irrigated	Capability Class Non-irrigated	Limitations for sewage lagoons	Limitations for septic tank/leach line systems.
gloriz, Bi-griz-Bi saline-sodic, complex, 0 to 2 percent slopes	IIIs-IIIs	IIIs-VIIs	Moderate: seepage	Severe: percs slowly
Colpien loam, 0 to 2 percent slopes	1	Ivc	Slight	Severe: percs slowly
Tagus loam, 0 to 2 percent slopes	1	Ivc	Severe: seepage	Moderate: flooding, percs slowly

## 4. Biotic Conditions:

The Biological Resources Management Element shows the site as being within the historical habitat range of the blunt-nosed leopard lizard and the San Joaquin kit fox, both federal and state listed endangered species. Most of the site and the surrounding area have been heavily disturbed by agricultural activities for some time and little or no habitat areas exist. The westmost property included in the subject site, totaling 81.92 acres, is currently in pasture. The application states that this land is to remain pasture if the dairy is established and is not counted towards the crop acreage for the animal density calculations.. This land is approximately 1/2 mile west of to the proposed dairy development.

## 5. Water Table:

The estimated highest water table level was at I 10- 120 feet in 1985, a recent high water table year according to Bureau of Reclamation, Depth to Groundwater maps.

## 6. Agricultural Preserves:

All properties comprising the subject site (except for the 81.92 ac res in pasture) are within Agricultural Preserve. Dairies are considered agricultural uses which do not require a compatibility finding under Government Code Section 51238.1. Dairies are allowed in agricultural preserves in accordance with the Uniform Rules.

## 7. Archaeological Concerns:

The subject site has not been surveyed for archaeological resources. However, the portion of the subject site where the dairy facility will be located has been extensively disturbed by agricultural activities for many years.



#### IV. HISTORY AND PROJECT FACTS:

##### I History:

The site was originally zoned A-I (Agricultural) on March 27, 1952, and was rezoned to AE-40 in 1977 under the Rural Valley Lands Plan Rezoning Study. No previous discretionary permits have been applied for on the subject site.

##### 2. Project Description:

The applicant is requesting a Special Use Permit to establish a new dairy operation. The facility would include a milk barn and other necessary accessory structures such as sumps, hay barns, silage slab and commodity barn. The application states that the operation would employ a total of 8-10 people. Only one existing residence is shown on the plans so it appears that no on site employee housing is proposed.

##### 3. Other Facts:

- a. Fire Protection: Obergene County Fire Department. The nearest station is in Wylie.
- b. Police Protection: Obergene County Sheriffs Department. Patrols operate from the Wylie substation.
- c. Sewer and Water Service: Individual on site wells and septic tank/leach line systems.
- d. Other: Solid domestic waste disposal is by private carrier.

##### 4. Correspondence:

Agencies Notified	Replies Received (date)
Co. RMA- Building Insp.	10/13/01
Co. RMA- Code Compliance	10/13/01
Co. RMA- Engineering	10/1/01, 10/14/01
Co. Health- Environmental	10/14/01
Co. Fire	10/21/01
Co. Ag Commissioner	
CA RWQCB	11/17/01
CA Water Res. Control Board	
CA Dept. Fish & Game	11/10/01
DFG Area Biologist	
State Clearinghouse	11/4/01
Wylie Irrigation Dist.	10/5/01
Wylie Union School Dist.	

Obergene Union High School Dist .

Obergene Mosquito Abatement Dist.

U.C. Cooperative Extension

10/15/01

Pacific Bell

Southern Calif Edison

Middle Valley Unif APCD

10/23/01

Natural Res. Conservation Dist.

Only those replies with recommendations for non-standard conditions of approval are included in this report; the remaining correspondence is available for review upon request.

V. **ENVIRONMENTAL IMPACTS CHECKLIST AND DISCUSSION OF ENVIRONMENTAL EFFECTS:**

A **ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**

The environmental factors marked below may be affected by this project, including at least one effect that is a "Potentially Significant Impact", or "Potentially Significant Impact Unless Mitigated," as indicated by the checklist on the following pages.

☐ Land Use and Planning

☐ Hazards

☐ Population and Housing

☐ Noise

☐ Geophysical

☐ Public Services

☐ Agriculture

☐ Utilities and Service Systems

☐ Water

☐ Aesthetics

☐ Air Quality

☐ Cultural Resources

☐ Transportation/Circulation

☐ Recreation

☐ Biological Resources

☐ Socio-Economic

☐ Energy and Natural Resources

☐ Mandatory Findings of Significance

**B. DETERMINATION:****ON THE BASIS OF THIS EVALUATION:**

X I find that the proposed project COULD NOT have a significant effect on the environment, and that a NEGATIVE DECLARATION will be prepared.

\_\_\_ I find that although the proposed project could have a significant effect on the environment, there WILL NOT be a significant effect in this case because the attached mitigation measures have been added to the project. A NEGATIVE DECLARATION will be prepared.

\_\_\_ I find that the proposed project MAY have a significant effect on the environment, and that an ENVIRONMENTAL IMPACT REPORT is required.

Susan Pollay, AICP, Project Planner  
Current Planning Division

Date January 19, 2002

**C. EVALUATION OF ENVIRONMENTAL IMPACTS:**

The following checklist contains an extensive listing of the kind of environmental effects which result from development projects. Evaluation of the effects must take account of the whole action involved, including off-site as well as on site, cumulative as well as project level, indirect as well as direct, and construction as well as operational impacts, in addition to reasonably foreseeable phases or corollary actions. The system used to rate the magnitude of potential effects is described as follows:

3 points A "Potentially Significant Impact" (3 points) is appropriate if an effect is significant or potentially significant, or if the lead agency lacks information to make a finding of insignificance. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.

2 points A "Potentially Significant Impact Unless Mitigated" (2 points) applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact."

1 point A "Less Than Significant Impact" (1 point) means that the environmental effect is present, but is minor in nature and/or not adverse, or is reduced to a level less than significant due to the application and enforcement of mandatory locally adopted standards.

0 points "No Impact" (0 points) indicates that the effect does not apply to the proposed project.

Using this point system, evaluate the likelihood that the proposed project will have an effect in each of the environmental areas of concern listed below. At the end of each category, briefly discuss the project-specific factors, locally adopted standards, and/or general, plan elements that support your evaluation. Ratings of 1, 2 or 3 points should always be adequately documented. In general, impacts that are rated with 0 points would not require discussion, however, an explanation may be necessary where circumstances warrant.

#### D. ENVIRONMENTAL IMPACTS CHECKLIST:

##### I. LAND USE AND PLANNING - Would the proposal:

- 1 a. Result in substantial changes from the present or planned land use of the area?
- 0 b. Conflict with water quality management plans?
- 0 c. Conflict with habitat conservation plans?
- 0 d. Conflict with congestion management plans?
- 0 e. Conflict with air quality plans?

Dairies and feedlots are considered an agricultural use under applicable County regulations. The checklist item noted is therefore an effect which is considered to be less than significant.

##### 2. POPULATION AND HOUSING - Would the proposal:

- 0 a. Cumulatively exceed official regional or local population projections?
- 0 b. Either directly or indirectly induce substantial growth in an area?
- 1 c. Alter the location, distribution, or density of the area's population?
- 0 d. Change the demographics of the area?
- 0 e. Displace or result in the deterioration of existing housing, especially affordable housing?
- 0 f. Conflict with adopted housing elements?

Minimal effect on population or housing due to addition of 8-10 potential jobs. New residential development is limited to what would normally be allowed under applicable zoning.

3. GEOPHYSICAL - Would the proposal result in or expose people to potential impacts involving:

- 0 a. Seismic fault rupture?
- 0 b. Seismic ground shaking or liquefaction?
- 0 c. Seiches (waves along lake and reservoir shorelines)?
- 0 d. Landslides or mudslides:
- 1 e. Erosion (wind or water borne), siltation, changes in topography, or unstable soil conditions from excavations, grading or fill?
- 0 f. Subsidence of the land?
- 1 g. Compaction, overcovering, or expansive soils?
- 0 h. Geologic or physical features which are unique or are of cultural value?
- 1 i. Soil contamination?

Analysis: Excessive application of dry or liquefied animal wastes on fields may result in high concentrations of salts, nitrates, phosphorus, potassium, and biologically toxic elements in the soils. This is not considered to be significant since the total on-site animal unit density is under the maximum prescribed by the currently adopted animal density policies. This indicates that there will be adequate land area to utilize for waste disposal. Also, conditions of approval are recommended to require the employment of proper management techniques for waste disposal in accordance with the County's Dairy/Animal Confinement Facility Policies and the California Code of Regulations, Title 27, Sections 22560-22565 -"Confined Animal Facilities Regulations" as administered by the California Regional Water Quality Control Board. Soil contamination is therefore considered to be less than significant. Erosion, compaction and overcovering, while present, would be minimal.

4. AGRICULTURE - Would the proposal:

- 0 a. Affect agricultural resources or operations?
- 0 b. Result in the loss of unique or prime agricultural land?

1 c. Reduce the acreage of agricultural crops?

Analysis: Approximately 78 acres of land will be taken out of cultivation to build out the dairy. The remaining acreage, except for a 81.92 acre parcel in pasture, would remain under cultivation. In addition, most of the land occupied by a dairy facility could be reclaimed to cultivation without great difficulty. The checklist item noted is therefore an effect which is considered to be less than significant.

WATER - Would the proposal result in:

1 a. Changes in absorption rates, drainage patterns, recharge, or the rate and amount of surface runoff.?

1 b. Exposure of people or property to water related hazards such as flooding?

1 c. Discharge into surface waters or other alteration of surface water quality?

0 d. Changes in the amount of surface water in any water body?

1 e. Changes in currents, volume., or course of water movements, including flood flows?

1 f. Change in the quantity of groundwater, either through direct additions/' withdrawals, or through interception of an aquifer by cuts/excavations?

1 g. Altered direction or rate of flow of groundwater?

1 h. Degrade groundwater quality?

Analysis: If the site is not properly leveled or contoured, rain may cause runoff of manure-polluted water into surface waters. This effect is not considered significant because of Regional Water Quality Control Board regulations which require that the facility contain all operational wastewater and precipitation and runoff which comes in contact with feed and manured area except that resulting from a storm exceeding a 25-year, 24-hour frequency. Discharge resulting from a greater storm is required to be controlled and not impact beneficial uses of the receiving waters. If the facility is not under the General Waste Discharge Requirements, then Individual Waste Discharge Requirements must be adopted which provide equivalent protection, or be found by the Regional Board to be eligible for a waiver. These standards are incorporated into the recommended conditions of approval along with Health Department recommended setbacks of structures, corrals, and sumps from adjacent waterways.

Excessive application of dry or liquid animal wastes on fields can result in high concentrations of salts, nitrates, phosphorus, potassium, and biologically toxic elements in the groundwater. This will not be significant as there will be adequate land area to utilize for waste disposal, as the applicant is not proposing to exceed the total on-site animal unit density maximum prescribed by the currently adopted animal density policies. This indicates that there will be adequate land area to utilize for waste disposal.. Also, conditions of approval are recommended to require the employment of proper management techniques for waste disposal in accordance with the County's Dairy/Animal Confinement Facility Policies and the California Code of Regulations, Title 27, Sections 22560-22565 - "Confined Animal Facilities Regulations" as administered by the California Regional Water Quality Control Board.

6. AIR QUALITY - Would the Proposal:

- 1 a. Result in the emission of pollutants or generation of dust (either during and/or after construction)?
- 1 b. Expose sensitive receptors to pollutants?
- 1 c. Alter air movement, moisture, or temperature, or cause any change in climate?
- 1 d. Create objectionable odors?

Analysis: Dust created during excavation and on the interior roads and in the corrals would add to air pollution in the area and could be a hazard to surrounding properties and roads. This is a less than significant impact since dust control measures are recommended in compliance with the Air Pollution Control District's Fugitive Dust Rules in the conditions of project approval.

By nature, wastewater treatment lagoons evolve volatile gases and/or organic vapors which are odor producing. These, along with odors produced by manure deposited in dry lot portions of the facilities could be offensive to surrounding property owners. However, it is speculative to consider fly or odor nuisances significant simply due to the size of the dairy facility because there are lagoon management practices easily applied by the operator which minimize odors and flies emanating from the site. These practices are included as part of the proposed project. Potential problems can be monitored through established compliance status reviews and the Nuisance Ordinance (Ordinance Code Section 4-01 -1000 et seq.).

TRANSPORTATION/CIRCULATION - Would the proposal result in:

- 1 a. Increased vehicle trips or traffic congestion?

- 1    b.       Hazards to safety from design features or incompatible uses?
- 0    c.       Inadequate emergency access or access to nearby uses?
- 0    d.       Insufficient parking capacity on-site or off-site?
- 0    e.       Hazards or barriers for pedestrians or bicyclists?
- 0    f.       Conflicts with adopted policies supporting alternative transportation?
- 0    g.       Rail, waterborne, or air traffic impacts?
- 1    h.       Accelerated deterioration of public and/or private roads?

Analysis: The operation of this new facility at full capacity would generate approximately 7-8 truck trips per day. This truck traffic consists primarily of milk tankers which are 5-axle semi-trucks and full-trailer combinations. Trucks of this size may decrease the service life of area roads since they accelerate the decline of the physical condition of the roadway. However, improvement of road and driveway approaches, as required in the conditions of approval, will allow for safe ingress and egress to the site and offset some of the deterioration caused by the increased truck traffic. Therefore, the effect is considered to be less than significant.

8.            **BIOLOGICAL RESOURCES** -.Would the proposal:

- 1    a.       Impact endangered, threatened or rare species or their habitats?
- 0    b.       Impact locally designated species or natural communities of special concern or importance?.
- 0    c.       Affect natural habitat, such as wetlands, riparian areas, etc.?
- 1    d.       Interfere with wildlife dispersal or migration corridors?
- 1    e.       Introduce new species into an area?

Analysis: The site is within the historical range of the San Joaquin kit fox and the blunt-nosed leopard lizard. The area to be disturbed by dairy development is actively farmed agricultural land and there is no substantial evidence that sensitive species or habitat occur on the site. A 81.92 acre parcel currently in pasture is designated to remain such and is not counted toward the operation's crop acreage. The California Department of Fish and Game, in its consultation response letter, asked why the 81.92 acre parcel in pasture was being included in the subject site if it was not to be used for wastewater disposal. From the County's point of view, the inclusion of this parcel is arbitrary. However, including the parcel in this site means that it is not available for potential use by some other animal confinement facility to be counted



toward its crop acreage. Also, including this parcel in the subject site means that the owner/operator would have to apply for and receive approval from the County of an amendment or modification to the use permit in order to convert the pasture land to some other use. If the parcel remains outside the site, no such County control applies.

9. ENERGY AND NATURAL RESOURCES - Would the proposal:

- 0 a. Conflict with adopted energy conservation plans?
- 0 b. Use non-renewable resources in a wasteful and inefficient manner?
- 0 c. Conflict with future development or existing use of natural resources?
- 0 d. Use substantial amounts of fuel or energy?

The project causes minimal additional use of fuel or energy.

10. HAZARDS - Would the proposal involve:

- 1 a. A risk of accidental explosion or release of hazardous substances?
- 0 b. Possible interference with an emergency response plan or emergency evacuation plan?
- 1 c. The creation of any health hazard or potential health hazard?
- 1 d. Exposure of people to existing or potential health hazards?
- 0 e. Increased fire hazard in areas with flammable brush, grass, or trees?

Analysis: If the site is not properly leveled or contoured, rain may cause runoff of manure-polluted water onto County roads and could result in large puddles of contaminated water developing on the dry lot portions of the facilities, which could harbor animal and human disease causing vectors. This is not considered significant because of Regional Water Quality Control Board regulations which require that the facility contain all operational wastewater and precipitation and runoff which comes in contact with feed and manured area except **that resulting from a storm** exceeding a 25-year, 24-hour frequency. Discharge resulting from a greater storm is required to be controlled and not impact beneficial uses of the receiving waters. If the facility is not under General Waste Discharge Requirements, then Individual Waste Discharge Requirements must be adopted which provide equivalent protection or the Regional Board must find that the facility is eligible for a waiver. This will prevent off-site water pooling on adjacent property and public road rights-of-way. These standards are incorporated into the recommended conditions of approval.

Wastewater lagoons, if not properly cared for, can become breeding areas for mosquitoes and development areas for larvae. Manure deposited in dry lot portions of the facilities may also provide a medium in which fly eggs can hatch and larvae develop creating the potential for human and animal health hazards. However, the plans submitted indicate that the facility will be developed in conformance with the recommended standards of the Obergene Mosquito Abatement District (see Preliminary Conditions of Approval Exhibit No. 1). The applicant will also be required to design and implement a program to suppress fly production. The checklist items noted are therefore effects which are considered to be less than significant.

11. NOISE - Would the proposal result in:

- 1 a. Increases in existing noise levels?
- 0 b. Exposure of people to severe noise levels?

The noise produced by this operation appears insignificant for this agricultural area.

12. PUBLIC SERVICES - Would the proposal have an effect upon or result in a need for new or altered government services in any of the following areas:

- 0a. Fire protection?
  - 0 b. Police protection?
- 0c. Schools?
- 0d. Parks or recreational facilities?
  - 0 e. Other government services?

Analysis: The operation of the new facility at full capacity will generate approximately 78 truck trips per day which increases the amount of daily traffic in the immediate area. This truck traffic consists primarily of 5-axle semi-trucks and full-trailer combinations. Trucks of this size may decrease the service life of area roads since they accelerate the decline of the physical condition of the roadway. However, the improvement of road and driveway approaches, as required in the conditions of approval, will allow for safe ingress and egress to the site and offset the additional wear caused by more truck trips. Therefore, the effect is considered to be less than significant.

13. UTILITIES AND SERVICE SYSTEMS - Would the proposal result in a need to new systems, extended systems with the capacity to serve new development, or require substantial alterations to the following utilities:

- 1 a. Electric power or natural gas?
- 1 b. Communication systems?
- 0 c. Community water treatment or distribution facilities, including hydrants and fire flow?
- 0 d. Community sewer or septic tanks?
- 0 e. Storm water drainage?
- 0 f. Solid waste disposal?
- 0 g. Other utility services?

Project requires no new or expanded utility systems except for extension of existing lines.

14. AESTHETICS - Would the proposal:

- 0 a. Affect a scenic vista or scenic highway?
- 0 b. Change a physical aesthetic feature?
- 1 c. Create an aesthetically offensive site open to public view?
- 0 d. Create new sources or intensify existing light or glare?

Analysis: If the site is not properly leveled or contoured, rain may cause runoff of manure-polluted water onto County roads and adjacent properties. Improper drainage could also result in large puddles of contaminated water developing on the dry lot portions of the facilities, creating an unsightly view. This is not considered significant because the Regional Water Quality Control Board regulations applicable to animal confinement facilities which require that the facility contain all operational wastewater and precipitation and runoff which comes in contact with feed and manured area except that resulting from a storm exceeding a 25-year, 24-hour frequency. Discharge resulting from a greater storm is required to be controlled and not impact beneficial uses of the receiving waters. The state requirement for filing a report of waste discharge is incorporated into the recommended conditions of approval.

15. CULTURAL RESOURCES - Would the proposal:

- 1 a. Disturb important paleontological, archaeological, or historic resources?

- 0      b.      Have the potential to cause a physical change which would affect unique ethnic, cultural, or religious resources?
- 0      c.      Disturb unique architectural features or the character of surrounding buildings?

Analysis: In furtherance of Environmental Resource Management Element policy to preserve locally important natural and historic areas, the recommended conditions of approval include the requirement that if any resources of historic or an archaeological nature are encountered during project grading or construction, work around the encounter area shall be temporarily halted and the Resource Management Agency immediately contacted. Work shall not resume until appropriate recovery measures, if deemed necessary, have been implemented. Therefore, the potential effect on cultural resources in this area already heavily disturbed by agricultural activities is considered to be less than significant.

16.            RECREATION - Would the proposal:

- 0      a.      Increase the demand for neighborhood or regional parks or other recreational facilities?
- 0      b.      Affect existing recreational opportunities?

Analysis: The project will have no effect on recreational demand or resources.

17.            SOCIO-ECONOMIC - Would the Proposal:

- 1.            Cause temporary or permanent effects upon:
  - 1      a.      income distribution?
  - 1      b.      employment?
  - 1      c.      tax revenues?
- 2.            Cause changes in tax base and assessment for:
  - 1      a.      project site?
  - 0      b.      surrounding area?
- 3.            Other:
  - 0      a.      Disrupt the physical arrangement of an established community?
  - 0      b.      Create impacts on social affiliation and neighborhood interaction?

- 0 c. Create impacts on privacy of surrounding area or residents?

Analysis: The effects noted, while present, would be minimal.

E. MANDATORY FINDINGS OF SIGNIFICANCE:

BASED ON THE FOREGOING ANALYSIS:

YES NO

X Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

X Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals?

X Does the project have impacts that are individually limited, but cumulatively considerable?

X Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

Analysis: Given all the information in the record, there is insufficient evidence to support any "yes" determinations on the mandatory findings.

VI. SUBSEQUENT ACTION:

I. Appeals:

All Planning Commission actions on Special Use Permits are final unless appealed, in writing, to the Board of Supervisors, 4111 W. Cece, Rosario, CA 97111 within 10 calendar days after the date on which the decision is made. The written appeal shall specifically set forth the grounds for the appeal and shall be accompanied by the appropriate appeals fee.

2. Fish and Game Fee:

A State Department of Fish and Game Certificate of Fee Exemption has been approved for this project by the Environmental Assessment Officer, indicating the

project will not individually or cumulatively have -an adverse effect on wildlife resources, as defined in Section 711.2 of the Fish and Game Code. As such, the Fish and Game Code requires the applicant pay to the Obergene County Clerk's Office a \$25 document handling fee for the required filing of the Certificate of Fee Exemption. The fee shall be paid at the time the Obergene County Resource Management Agency files the Notice of Determination. The Notice of Deten-nination is required to be filed within five (5) days of project approval (after the 10 day appeal period has run) providing no appeal has been filed. If an appeal is filed within the 10 day appeal period, the Notice of Determination cannot be filed until the Board of Supervisors makes a decision on the appeal. The applicant shall pay the fee to the Obergene County Clerk's Office, Attention: Bonnie Garvin, Room 105, Obergene County Courthouse, Visalia, CA 93291-4593. Checks shall be made payable to: "County of Obergene." Applicants cannot avoid payment of the required \$25 Department of Fish and Game fee, since a provision of AB 3158 declares that decisions on private projects are not it operative, vested, or final" until the fee is paid to the County Clerk. No building permits shall be issued until the fee is paid.

3. School Impact Fees:

The subject site is located within the Wylie Elementary School District and the Obergene Union High School District which have implemented developer's fees of \$1.84 per square foot of all assessable space for new residences and expansions to existing residences pursuant to Government Code Section 53080. These fees are required to be paid ' prior to the issuance of any permit for the construction and/or installation of new or expanded residential structures.

NOTICE: Pursuant to Government Code Section 66020(d)(1), this will serve to notify you that the 90-day approval period, in which you may protest to the school district the imposition of fees or other payment identified above, will begin to run from the date on which they are paid to the school district(s) or to another public entity authorized to collect them on the district(s) behalf, or on which the building or installation permit for this project is issued, whichever is earlier.

4. Compliance Reporting and Monitoring Schedule Fees:

A Compliance Reporting and Monitoring Schedule has been established for this project pursuant to Section ~,22 of the Obergene County Zoning Ordinance. Fees, required to defray the expenses incidental to the compliance reporting and monitoring, will be required to be deposited into a Compliance Reporting and Monitoring Account prior to issuance of any building permit or other grant of approval required to carry out the project. (See Attachment No. 2

5. Right to Farm Notice:

In accordance with Section 7-29-1070(a) of the Obergene County Ordinance Code, and as a condition of approval of the special use permit, a Right to Farm Notice shall be

recorded with the resolution approving the :special use permit. (See Attachment No. 3)

6. Storm Water Permit:

General Construction Activity Storm Water Permits shall be required (prior to commencement of the construction) for all storm. water discharges associated with a construction activity where clearing, grading and excavation results in a land disturbance of more than five acres or which is less than five acres but is part of a larger common plan of development or sale. A Notice of Intent (NOI) shall be obtained from and returned to: State Water Resources Control Board, Division of Water Quality, ATTN: Storm Water Permit Unit, P. O. Box 1977, Sacramento, CA 95812-1977 along with the annual fee of \$500. Permits shall be required until the construction is completed.

VII. CREDITS:

This Staff Report was prepared by:

Susan Pollay, AICP, Project  
Project Review Unit

1/28/02

This Staff Report was approved by:

Morris Beatus, Manager  
Project Review Unit

1/29/02

**COMPLIANCE- REPORTING AND MONITORING  
SCHEDULE AND FEE NOTICE NO. 1  
CASE NO. DDP-00-062**

Section 22 of the Obergene County Zoning Ordinance mandates a program to monitor and ensure compliance with conditions imposed as part of approval of this project. It also mandates that fees be imposed to defray the expense incidental to any monitoring and compliance verification reviews required after the first scheduled inspection. The following is the adopted fee schedule:

i

First review generally scheduled 12 months from date of approval .....no fee

Second and subsequent Compliance Monitoring Inspection .....\$59.00/ea.

County Administration of Compliance Reporting and Monitoring

Agreements for Phased, Major, or Complex Projects.....

Total negotiated cost of work as  
provided in contract + 10%

A Compliance Reporting and Monitoring Schedule was established and imposed as a condition of your use **permit**. **The first compliance review of your project is scheduled for months from the date of approval.** No fee will be charged for this first inspection and review. If you are ready to begin the use prior to this first inspection, you must call (777) 733-6291 to schedule the first inspection.

**Prior to issuance of any building permit or other grant of approval required to carry out your project, a deposit of \$118.00 for any subsequent inspections must be made to your Compliance Reporting and Monitoring Account.** This deposit can be made at the Obergene County Resource Management Agency offices located at 5961 South Moon Blvd., Obergene, CA. The deposit is based on the estimated number of compliance inspections required to carry out the compliance reporting and monitoring schedule. Upon depleting the account to a level of 70% of the initial deposit, you will be notified of any additional fees that will be due. If the inspection fee has not been paid prior to the expiration date of the use permit, you will be required to pay the inspection fee at the time a request for an extension of time is made.

Upon completion of the project and/or termination of the compliance reporting and monitoring schedule, your deposit account will be reviewed and you will be notified of the amount of deposit remaining. You may request in writing a refund of any excess fees in the account. These fees are also subject to waiver or refund under Sections 1130 and 1335 of the Obergene County Ordinance Code.

If you have any questions regarding this notice, please contact Tom Greene, Code Compliance Coordinator, at (777) 733-6291, between 8~100 a.m. and 3:00 p.m., Monday through Thursday.



SPECIAL USE PERMIT DDP-00-062

Preliminary Conditions of Approval

NOTE: Listed below are suggested conditions of approval. The applicant should be aware that conditions may be added or deleted prior to or during the course of the public hearing on this proposal. In addition, these suggested conditions of approval may not be indicative of the Staffs recommendation on the merits of this project.

1. The dairy acreage shall be 738 acres and the on-site corral area shall be limited to accommodating a maximum of 4,814 total animal units (3,350 milk cows).

**Notwithstanding this condition, which is in conform ance with Planning Commission Animal Density Guidelines, the Regional Water Quality Control Board may limit the operation to a lower maximum herd size than is approved under this Special Use Permit or require other adjustments.**

Animal units shall be calculated as follows: (Resource Management Agency)

1 cow or bull	=	1.00 animal unit
1 heifer or steer (2 years and up)	=	.75 animal unit
1 heifer or steer (1-2 years)	=	.70 animal unit
1 heifer or steer (3 months to 1 yr)	=	.40 animal unit
1 calf (up to 3 months)	=	.25 animal unit

The facilities shall meet the requirements contained in the California Code of Regulations, Title 27 - pertaining to "Confined Animal Facilities" as administered by the Regional Water Quality Control Board (RWQCB). The applicant shall submit a completed application, technical reports and any required filing fee to the RWQCB prior to issuance of any building permits and at least 120 days prior to discharge. A copy of the material shall be submitted to the Code Compliance Coordinator at the time of submittal to RWQCB. Failure to submit the material in the required time will result in immediate notification sent to the RWQCB and a recommendation to the Planning Commission for initiating the process of revocation of this Use Permit. (RWQCB and Resource Management Agency)

2. Cropping patterns and disposal of solid animal waste !shall be such as to maintain this facility in conformance with the animal density parameters set 6rth in Policy No. 2 of the Obergene County Dairy/Animal Confinement Facility Policies as adopted by Planning Commission Resolution No. 793, as applicable to the operating herd size of this facility.
3. As noted on the approved site plan, the 81.92 acres included within APNs 293-170-07 and 293-190-11, which are currently in pasture, shall not be utilized for discharge of dairy wastewater.
4. Sufficient on-site parking shall be provided for all vehicles. The parking area and the entrance roads shall be treated with an acceptable dust retarding treatment so that dust and mud will not create conditions detrimental to the surrounding area and roads. Said treatment shall be maintained at all times. (Resource Management Agency)

5. All drive approaches at driveways and major entrances to the improved portion of the site shall be constructed and surfaced as per the Obergene County Improvement Standards and the applicant or his contractor shall obtain an encroachment permit from the Obergene County Resource Management Agency prior to issuance of any building permits for construction and/or prior to doing work within any County road right-of-way. (Resource Management Agency)
6. All grading activities, with the exception of minor grading incidental to driveway approach installation, or grading otherwise exempt by Ordinance, shall be confined to areas on the project site which are set back a minimum distance of 100 feet from all adjacent property boundaries, including County road rights-of-way. Such grading within the prescribed 100-foot setback area may be considered agriculturally exempt from permit requirements under the Grading Ordinance. (Resource Management Agency)
7. The applicant shall make all necessary arrangements for the relocation of all overhead and underground public utility facilities that interfere with any improvement work to be performed by the applicant. The applicant shall also make necessary arrangements with the public utility company affected for the cost of relocating such facilities and no portion of relocation cost will be paid by the County. (Resource Management Agency)
8. All new wells shall comply with the construction requirements of the Obergene County Well Ordinance. (OCEHD)
9. No new well shall be located closer than 100 feet from any animal enclosure, nor shall such enclosure encroach within 100 feet of an existing well. (OCEHD)
  10. Inactive wells shall be properly destroyed in accordance with the Obergene County Well Ordinance. (OCEHD)
  11. Any new liquid waste lagoons shall meet a minimum 150 foot setback from all wells, public ditches and public waterways. (OCEHD)
12. All agricultural wells shall have an overhead air gap at the standpipes. (OCEHD)
  13. Animal confinement areas, manure storage areas, lagoons, disposal fields and crop lands shall be properly managed to prevent a nuisance of odors, dust and vector harborage and breeding. (OCEHD)
  14. Any new liquid waste lagoons shall be designed for maximum efficiency of waste disposal. Waste lagoons shall not be deeper than 20 feet and shall maintain a minimum of 10 feet of separation from the highest recorded groundwater table. The lagoons shall not cause contamination nor pollution of groundwater. Verification of final depth shall be provided by the contractor to the Resource Management Agency Code Compliance Coordinator in the form of a written statement prior to any discharge of any liquid into the lagoon and after a final inspection has been conducted. (OCEHD and Resource management Agency)

15. All new sewage disposal systems shall meet all construction standards and minimum setbacks of 100 feet from all wells, ditches, and waterways.
16. No liquid wastes shall be discharged into any public canal or public waterway nor shall there be any contamination or pollution of same. [OCEHD and Regional Water Quality Control Board (RWQCB)]
17. Liquid waste lagoons shall provide capacity to hold 120 days accumulation of liquids. (RWQCB)
18. A surfaced fire apparatus access shall be provided, twelve (12) feet in width, to within five (5) feet of the fresh water holding tank and the water pressure tank. (Fire Warden)
19. A 30 inch by 30 inch hinged inspection cover shall be located on the fresh water holding tank. The inspection cover shall be located along the portion of the tank that fronts on the surfaced access. (Fire Warden)
20. The fresh water pressure tank shall be plumbed with a Valved, 2-1/2 inch hose connection (National Hose Thread) in such a manner as to provide ready access for pumper connection. All plumbing from the tank to the valve shall be a minimum of 4 inches O.D. (Fire Warden)
21. Portable fire extinguishers shall be installed in the milk house as per N.F.P.A. Pamphlet #10 (10# ABC type). (Fire Warden)
22. Advisory Note: All activities associated with this dairy operation must comply with the Middle Valley Unified Air Pollution Control District (MVUAPCD) Regulation VIII Fugitive Dust Rules such as construction, unpaved roads and open service areas.
23. All agricultural burning shall comply with the MVUAPCD Rules and Regulations.
24. No portion of the 638.28 acres covered by this application shall be sold or used for purposes other than those expressly permitted under this use permit unless an amendment to the use permit is approved by the County. This shall not restrict the sale of the entire parcel of property as a unit subject to all of the conditions required herein. In addition, if there is any change in the area available for waste water disposal, the applicant shall immediately notify the Assistant Director, RMA Current Planning to advise of the change and, if determined necessary by the Assistant Director, apply for an amendment to the use permit. (Resource Management Agency)
25. Dead animals shall be removed daily from the site and shall not be visible from the public road while awaiting removal. (OCEHD and Resource Management Agency)
26. A fly abatement program shall be used to keep flies under control on site so that they do not become a nuisance on site or to surrounding property owners. This shall include the scraping of

accumulated manure from corrals areas on a weekly basis. (Resource Management Agency and Delta Vector Control District)

27. The dairy operation shall meet all of the requirements of the Delta Vector Control District for design and maintenance. (See Exhibit No. 1) (Delta Vector Control District)

28. Should any additional residences or mobilehomes be constructed or installed, all densities and setbacks (separations from animal confinement and waste facilities, etc.) shall be in compliance with the AE-40 Zone. (Obergene County Ordinance)

29. If more than five (5) employees are housed on the site, the dairy operator shall contact the Resource Management Agency to determine if a Permit to Operate Employee Housing is required by Section 7-23-1000 et seq. of the Obergene County Ordinance Code and, if necessary, obtain such permit prior to occupancy.

30. If, during construction or grading activities on the site, any resources of historic or prehistoric nature are discovered, all construction or grading shall temporarily cease and the Assistant Director, RMA Current Planning shall immediately be notified of the discovery. Further development shall not continue until the Assistant Director, RMA Current Planning certifies that appropriate recovery measures, if deemed necessary, have been completed.

31. The applicant shall sign and record a Right to Farm Notice along with the Resolution approving this Special Use Permit, in accordance with Section 7-29-1070(a) of the Ordinance Code. (Right to Farm Notice Attached)

32. Flood protection measures shall be incorporated into the project at the building permit stage in accordance with the requirements of the Obergene County Flood Control Damage Prevention Regulations (Ordinance Code Sections 7-27-1000 et seq. [formerly Sections 7800 et seq.]).

33. Standardized conditions as set forth in Planning Commission Resolution No. 5976 as amended by Resolution Nos. 6013, 6334 and 6702 shall apply to this application (see Exhibit No. 2). (Resource Management Agency).

## **Requirements for Construction and Management of Dairy Waste Water Facilities to Accomplish Mosquito Control**

1. All dairy waste water holding and solids separator ponds shall be surrounded by lanes at least twenty feet in width and nothing (i.e., calf pens, utility lines, hay stacks, silage tires, ag-equipment, etc.) shall be placed in the area of the holding ponds which would prevent passage or use of vector control equipment.
2. Fencing around the waste water and solids ponds shall be placed on the outside of the twenty foot lane and gates provided for easy access.
3. All four interior banks of holding and separation pond shall be graded 1:1 or steeper for the first ten feet, soil type permitting, but no greater than 1:2.
4. Two or more solids separator ponds are required. These ponds shall not be more than sixty feet in width.
5. No drainage lines shall by-pass the separator ponds, except those which provide for normal corral run-off. All such drain inlets must be sufficiently grated to prevent solids accumulation in the holding ponds.
6. Floatage of any solid substance which could provide harborage for immature mosquito stages shall be kept out of all waste water holding ponds. Mechanical agitators may be very helpful in this regard.
7. The owner shall be responsible for keeping vegetative growth from all areas of the waste water and solids separation ponds. This includes access lanes, interior pond embankments and any weed growth which might become established on pond surfaces.
8. Dairy waste water discharged for irrigation purposes shall be managed so that it does not stand for more than four days. Discharges which do stand for more than four days could cause severe 'mosquito' emergence.
9. Any deviations desired from these requirements must be submitted to the District for its prior review and approval.

*County of Obergene*  
HEALTH & HUMAN SERVICES AGENCY  
*HUMAN SERVICES BRANCH*  
*ENVIRONMENTAL HEALTH SERVICES DIVISION*  
5957 S. Moon Blvd \* Obergene CA 97111 \* (777)739-6441

*Ronald W Whitman, Agency Director*

October 14, 2001

Susan Pollay  
PROJECT PLANNER  
RESOURCE MANAGEMENT AGENCY  
5961 S MOON BLVD  
OBERGENE CA 97111

Re: Mendoza Dairy

Dear Ms. Pollay:

I have reviewed the application for the above referenced dairy facility and recommend the following conditions be incorporated with the Special Use Permit:

1. The facility shall meet the requirements of Division 15 of the Food and Agricultural Code and Title 3 of the California Code of Regulations.
2. The applicant shall provide detailed plans of the facility to the Obergene County Milk Inspection Service for review and approval prior to issuance of any building permits.
3. All new wells shall meet the construction requirements of the Obergene County Well Ordinance.
4. No well shall be located within 100 feet of confined animal areas and manure storage areas.
5. Inactive wells shall be properly destroyed in accordance with the Obergene County Well Ordinance.
6. Liquid waste lagoons shall meet a minimum 150 foot, setback from all wells, ditches and waterways.
7. All agricultural wells shall have an overhead air gap separation at the standpipes.
8. All corrals, lagoons and crop lands shall be properly managed to prevent a nuisance of odors, dust and vector harborage and breeding.
9. Liquid waste lagoons shall not be deeper than 20 feet and shall maintain a minimum of 10 feet of separation from the highest recorded groundwater table.

10. All new sewage disposal systems shall maintain minimum setbacks of 150 feet from all wells, ditches and waterways.

11. No liquid wastes shall be discharged into any canal, ditch or waterway.

12.. Dead animals shall be removed from the site on 4 daily basis.

The following soil types appear to be present at this location:

Pond loam, rated moderate for sewage lagoons and severe for septic tank absorption field.

Department of Water Resources records for Spring 1970 indicate a historical high groundwater depth of 140 feet.

If you have any questions on this matter, please contact me at (777) 733-6411.

Sincerely,

Karen Maini  
Environmental Health Specialist  
Environmental Health Services Division

DEPARTMENT OF FISH AND GAME

REGION 11  
1234 East Stan Avenue  
Newton, California 97710  
(777) 203-4014

Ms. Susan Pollay  
County of Obergene  
Resource Management Agency  
5961 North Moon Boulevard  
Obergene, California 97111

Dear Ms. Pollay:

November 5, 2001

We have reviewed the Project Review - Consultation Notice for the Project referenced above. The Project includes development of a new dairy on 78 acres of a 738-acre site with 80 acres to remain pasture and the balance under cultivation and available for dairy wastewater disposal. The site is located at Road 41 in the community of Wylie (Sections 21,22,27,28 T22S, R24E). Our comments follow.

**Common Dairy Project Impacts to Wildlife Resources**

**Loss and/or Degradation of Habitat:** Lands that are currently in, a native or naturalized state very often provide good wildlife habitat and may support sensitive species and other wildlife. Native plants including listed or rare species could occur on these lands. Conversion of native or naturalized sites (such as native pasture or rangeland) to dairy facilities and cultivated agriculture for disposal of dairy wastewater could significantly reduce their value for wildlife. Conversion of native pasture or rangeland can be cumulatively significant.

**Loss or Degradation of Vernal Pools and Other Wetlands:** Vernal pools and other wetlands are becoming increasingly rare in California and the Department of Fish and Game (Department) supports a no-net-loss policy for projects that could affect wetlands. We typically recommend against approval of projects that would cause disturbance to functional vernal pools or other wetlands. Projects that do go forward on sites where wetlands occur must have appropriate authorizations from the United States Army Corps of Engineers (US ACOE), and, in some cases, the United States Fish and Wildlife Service (USFWS).



Ms. Susan Pollay  
November 5, 2001  
Page Two

**Injury or Mortality to Listed Species;** Construction of dairy facilities could result in the entombment or entrapment of burrowing animals. Animals could be hit by vehicles used for dairy construction and vehicles used for on-going dairy operations. Native plant populations occurring on dairy sites would be lost once lands are developed and/or cultivated. If the dairy site is prone to flooding, off-site resources could be affected by dairy-related inundation and pollution.

**Interference with Animal Movement/Migration Patterns:** Dairy facilities that block or constrict daily and seasonal wildlife movement corridors could affect wildlife on and near the site.

**Interference with the Activities of Night-active Wildlife:** Dairy facilities usually have outdoor lighting. Lighting can disrupt the foraging activities of night active species. Lighted facilities adjacent to wildlife preserve areas, riparian habitat or other native lands would be particularly disruptive to night active wildlife.

**Loss and/or Degradation of Riparian Habitat:** Riparian habitat has declined in California to the point where it is quite rare. Often the greatest wildlife diversity in an area is associated with riparian habitat making its preservation important from a resources standpoint. Projects that result in removal of, or disturbance to riparian habitat can have substantial impact on wildlife resources. If the development of a dairy or wastewater disposal lands could affect riparian habitat it should be considered to have an affect on wildlife. If project-related flood control activities include removal of riparian vegetation, then the project should be considered to have an impact on wildlife resources.

**Degradation of Water Quality In Rivers, Streams, and Lakes:** To the extent that a dairy project could cause increased erosion into streams or lakes or cause discharge of dairy wastewater or accidental discharge of other dairy waste into streams or lakes, they could be considered to have a potential effect on wildlife resources.

**Flood Related Pollution:** Dairies located in flood-prone areas could cause pollution to off-site resources especially if the dairy is located in close proximity to sensitive resources, natural lands or lands otherwise being managed for wildlife.

Ms. Susan Pollay  
November 5, 2001  
Page Three

**Cumulative Impacts:** While the impacts of dairies discussed above can often be mitigated for an individual dairy, the effects of numerous dairies in an area could be cumulatively significant resulting in the long term of losses of large areas of habitat, and higher levels of pollution..

**Information the Department Needs to Evaluate a Dairy Project:** The Department can evaluate a dairy project most quickly if the project application contains the following information:

Location of dairy footprint and all wastewater disposal sites.

Locations of lakes, streams and drainages on or near the site.

Location and extent of riparian habitat on the site. It may be necessary for a qualified biologist to make this determination. Riparian habitat should be identified on the project-site plan.

Location and extent of sensitive resources occurring on the site. It may be necessary for a qualified biologist to make this determination. Sensitive resources and habitats on the site should be identified on the project site plan. Should vernal pools or other wetlands be identified on the site they should be formally delineated and the delineation verified by the US ACOE or Natural Resources Conservation Service (NRCS).

Flood information for the site.

Site use history back to 1985. For lands that are currently under cultivation the project applicant should be able to show a history of site use for cultivated agriculture or other use that would limit site use for wildlife (crop records, aerial photographs, verification from the NRCS etc.). If the site has been converted to cultivated agriculture after 1985 then the applicant may be requested to provide evidence that the site did not contain wetlands (old aerial photographs, soil or geological information, etc.) or endangered species habitat. If evidence exists that the proposed dairy site recently contained wetlands or supported listed species then the project applicant may be asked to show that proper authorization was obtained from the USFWS and/or the US ACOE prior to conversion of the site.

References for General Plan Policies, Area Habitat Conservation Plans or other documents that would show that cumulative impacts of dairies have been locally addressed.

Ms. Susan Pollay  
November 5, 2001  
Page Four

On this particular Project, either the Applicant or County Staff should explain why the pasture area is part of the Conditional Use Permit if it will not be used for wastewater disposal.

#### **Mitigation Measures for Dairy Impacts**

Avoidance of sensitive resources is generally the best way to mitigate effects of any project. For a dairy this means:

Locating project features at least 100 feet away from stream banks, lakes and riparian habitat.

Locating project features where they will not affect vernal pools or other wetlands. Appropriate buffers should be of sufficient width to protect any watershed into vernal pools and other wetlands. The project should also be designed to assure that dairy waste or wastewater will not be discharged into these areas either through normal operations or during flood events.

Dairy facilities should be located as far as possible from any off-site sensitive resources. Project-related lighting should be minimized and directed away from sensitive areas.

Dairy projects on flood-prone areas should be designed so that sensitive resources on the site and all lands off of the site will not be inundated with dairy waste or wastewater during flood events.

#### **Circumstances that would Trigger The Department to Recommend Preparation of an Environmental Impact Report (EIR) for a Dairy Project**

The Department will often recommend preparation of an EIR for any dairy project that would result in the following:

Take of any listed species or occupied habitat.

Loss or degradation of functional vernal pools, other wetlands or riparian habitat.

Pollution of off-site resources from dairy waste or wastewater disposal.

Cumulative impacts to wildlife that have not previously been addressed in either another environmental document or through a regional Habitat Conservation Plans. Dairy projects that result in the loss of non-native grasslands, rangeland, native pasture

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Ms. Susan Pollay  
November 5, 2001  
Page Five

or lands other than cultivated sites,,that are used to some extent by wildlife should be considered to have a cumulative affect on wildlife resources.

**Associated State and Federal Permitting and Notification Requirements**

**Streambed Notification:** Pursuant to Fish and Game Code Sections 1600 et. seq. formal and separate notification to the Department is required for projects that could affect the beds, banks, or channels of streams or lakes. For additional information on notification requirements please contact Mr. Ed Strand at (777) 233-4017.

**Endangered Species Take Authorizations:** Projects that could result in the "take" of State- or Federally- listed species must obtain appropriate authorization from the Department for State listed species and the USFWS for Federally-listed species. These authorizations usually require strict "take" avoidance measures as well as mitigation habitat and funding for management of the mitigation lands. If Lead Agency environmental review is not complete for a project, the Department may require preparation of additional environmental documentation (possibly preparation of an EIR) Prior to issuing an endangered species 'take" authorization.

**Other Permits and Authorizations:** Dairy facilities are also regulated by the California Regional Water Quality Control Board (CRWQCB) and often by the US ACOE. Both of these agencies typically consult 'separately with the Department before- granting their respective project authorizations. If the Department is satisfied with the results of the local project review and mitigation measures, we will be able to provide a more rapid response for these agencies.

If you have any questions regarding these-comments, please contact Ms. Donna Graves, Environmental Specialist III, at the address or telephone number provided on this letterhead.

Sincerely,

George D. Baier  
Regional Manager

# California Regional Water Quality Control Board

## Central Valley Region

17 November 2001

Ms. Susan Pollay  
County of Obergene  
Resources Management Agency  
5961 North Moon Blvd.  
Obergene, CA 97111

Raul Mendoza Dairy

Our office reviewed plans for the subject dairy prepared by the Obergene County Resource Management Agency. Additional information is needed to enable us to evaluate the impact the new facility may have on surface and ground water. Specifically, we need detailed information to show compliance with California Code of Regulations, Title 27, Sections 22560-2~565 (enclosed).

The California Water Code (Sections 13260 and 13264) requires submission of a completed Report of Waste Discharge (ROWD) at least 120 days prior to initiating a new discharge or proposed change in the character, location, or volume of the discharge. The ROWD must include sufficient information for us to evaluate your proposal. Enclosed is an Application Packet for Dairies in the Central Valley Region. Your ROWD must include the application form, filing fee (\$2,000), and a technical report demonstrating that discharge can be appropriately managed. The technical report must be certified by a California registered civil engineer and include drainage plans, storage volumes, and waste loading rate calculations.

If you have questions regarding this matter, please call Ken Horton at (777)445-5230.

Kathleen Smith  
Senior Engineer  
RCE No. 917

Middle Valley

# Unified Air Pollution Control District

Subject: Mendoza Dairy      Case No.

October 21, 2001

Susan Pollay  
Obergene County  
Resource Management Agency  
5961 South Moon Blvd.  
Obergene, CA 97111

The Middle Valley Unified Air Pollution Control District (District) has reviewed this Consultation Notice and has determined that, with adherence to existing regulations, there will be no significant negative impact on the environment with regard to air quality from this project. The District, therefore, would support the preparation of a Negative Declaration.

If there are any construction activities associated with this project, those activities will contribute dust to an air mass that already exceeds the state and federal health standards for PM10 and the project's emissions would impede the District's efforts to reach attainment of those standards for the Valley. However.- compliance with the District's Regulation VIII Fugitive Dust Rules would constitute reasonable efforts and- reduce the impact of this project to less-than-significant with regards to air quality.

It should be noted that the District does not have jurisdiction over this facility with regards to odor and/or visible emissions due to exemptions in our Rules and Regulations (Rules 4101 §4.5 and 4102 §3. 1) and California Health & Safety Codes §41704(g) and §41705.

The District appreciates the opportunity to comment on this consultation. If you have any questions, please do not hesitate to contact me at (883)562-5200.

Robert Tucker  
Environmental Planner, Southern Region

STANDARD CONDITIONS OF APPROVAL FOR SPECIAL USE PERMITS

(Planning Commission Resolution No. 5976 as amended by 6013, 6334 and 6702)

1. Development shall be in accordance with the plan(s) as submitted by the applicant and/or as modified by the Planning' Commission (P.C. Exhibit "A") and with the Site Plan Development Standards pertaining to a use of this type adopted by the Planning Commission on February 20, 1970.
2. Regardless of Condition No. 1 above,,the Planning and Development Director is authorized to approve minor modifications in the approved plans upon a request by the applicant, or his successors, as long as saidmodifications do not materially affect the determination of the Planning Commission. Such modification shall be noted on the approved plans and shall be initialed by the Planning and Development Director.
3. All exterior lighting shall be so adjusted as to deflect direct rays away from public roadways and adjacent properties.
4. The proposed facility shall be maintained an&operated in accordance with all State and County health regulations.
5. Any structures built shall conform to the building regulations and the building line setbacks of the Ordinance Code of Obergene County insofar as said regulations and setbacks are applicable to such structures.
6. If there are conditions set down herein which require construction of improvements, they shall be complied with before the premises shall be used for the purposes applied for, in order that the safety and general welfare of the persons using said premises, and the traveling public, shall be protected. The Planning Commission may grant exceptions to this condition upon request by the applicant.
7. This use permit shall automatically be null and void two (2) years after the date upon which it is granted by the Planning Commission, unless the applicant, or his successor, has actually commenced the use authorized by the permit within said two year period. The Planning Commissilon may grant one or more extensions of said two year time, upon request by the applicant.
8. This use permit will not be effective until ten (10) days after the date upon which it is granted by the Planning Commission and until the applicant, at his own expense, has executed and filed with the County Recorder, a certified copy of the resolution of the Planning Commission granting said permit with a duly authorized~acceptance, in the form approved by the County Counsel, endorsed thereon.
9. All standard conditions and all special conditions of approval of this Special Use Permit must be complied with at all times in order to continue the use or uses allowed. Compliance with such conditions is subject to review at any time. Unless a sooner review is required, an initial review of compliance shall be conducted by the Obergene County Planning Commission twelve months after the granting of the Special Use Permit. Additional reviews may be undertaken at the discretion of the Planning Commission.
10. This Special Use Permit shall automatically expire and become null and void two (2) years after the use for which it was granted ils discontinued or abandoned. However, upon application by the applicant, or his/her successor, the Planning Commission may extend the expiration date in accordance with the procedures set forth in the Zoning Ordinance.

NOTICE OF DETERMINATION

TO: Obergene County Clerk  
Room 10, Courthouse  
Obergene, CA 97111

FROM: Obergene Co. Resource Mgmt Agency  
5961 S. Moon Blvd.  
Obergene, CA 97111

SUBJECT: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resource Code.

Project Title/Case File No. DDP-01-062  
Applicant: Raul Mendoza  
Address: 109 Road 74  
Obergene, CA 97122

State Clearinghouse No. (if any): 0222213

Lead Agency: Obergene County Resource Management Agency, Planning and Development Department

Staff Contact Person: Susan Pollay Telephone Number: 722-6291

Project Location: West side of Road 41, at the Avenue 12 alignment, northwest of Wylie.

Project Description: A Special Use Permit to establish a new dairy in the AE-40 (Exclusive Agricultural - 40 acre minimum) Zone.

This is to advise that the OBERGENE COUNTY PLANNING COMMISSION has approved the above described project on February 6, 2002 and has made the following determinations regarding the above described project.

1. The project ( ) will have a significant effect on the environment  
(X) will not
2. ( ) An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.  
  
(X) A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.

The EIR or Negative Declaration and record of project approval may be examined at:  
5961 S. Moon Blvd., Obergene, California 97111

3. Mitigation measures ( ) were, (X) were not, made a condition of the approval of the project.
4. A Statement of Overriding Considerations ( ) was, (X) was not, adopted for the project.

By: Chairman, Obergene Co. Planning Commission

Note: Authority cited: Section 21083, Public Resource Code; Reference: Sections 21108, 21152 and 21167, Public Resource Code.



TO: CALIFORNIA DEPARTMENT  
OF FISH AND GAME  
Environmental Services  
1416 Ninth Street, 12th Floor  
Sacramento, CA 95814

FROM: OBERGENE COUNTY RESOURCE  
MANAGEMENT AGENCY  
5961 South Moon Blvd.  
Obergene, CA 97111

CERTIFICATE OF FEE EXEMPTION

X De Minimis Impact Finding

PROJECT LOCATION/CASE FILE NO/APPLICANT:  
Case No.DDP-01-062 Applicant: Raul Mendoza

West side of Road 41, at the Avenue 12 alignment, northwest of Wylie.

Portions of Sections 21, 22, 27, 28, Township 22 South, Range 24 East MDB&M  
APNs: 293-190-33, 293-160-24, 293-170-05, -07

PROJECT DESCRIPTION AND ZONING:  
Special Use Permit to establish a new dairy operation in the AE-40 (Exclusive Agricultural - 40 Acre Minimum) Zone to accommodate a maximum of 3,850 total animal units (2,550 milk cows) in a facility covering approximately 78 acres of the 738 acre subject site. The balance of the acreage (except for 81.92 acres in pasture) would remain under cultivation and available for irrigation with reclaimed dairy wastewater.

FINDINGS OF EXEMPTION:  
The portion of the subject site to be developed as a dairy facility and the cropland for recycling wastewater has been under intensive cultivation for many years. There is little, if any, potential habitat remaining on the site. Dairy development on this land therefore does not have the potential to impact wildlife resources. The portion of the site which is currently in pasture is designated to remain such and, because it is included as part of this site, is protected from conversion to other uses.

CERTIFICATION:

X I hereby certify that the public agency has made the above findings and that the project will not individually or cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the Fish and Game Code.

I hereby certify that the action of this project is taken by a public agency acting in a Responsible Agency capacity as defined by Section 21069 of the Public Resources Code, and the filing of a Notice of Determination is exempt from filing fees in accordance with provisions of Section 711.4(g) of the Fish and Game Code.

-Mary E. Justie, Environmental Assessment Officer

BEFORE THE PLANNING COMMISSION

COUNTY OF OBERGENE, STATE OF CALIFORNIA

IN THE MATTER OF SPECIAL USE PERMIT APPLICATION NO. DDP-01-062

RESOLUTION NO. 758

Resolution of the Planning Commission of the County of Obergene approving a Special Use Permit requested by Raul Mendoza for the establishment of a new dairy in the AE-40 (Exclusive Agricultural - 40 acre minimum) Zone, on property located on the west side of Road 41, at the Avenue 12 alignment, northwest of Wylie.

WHEREAS, an application has been filed pursuant to the regulations contained in Section 10 of Ordinance No. 352, the Zoning Ordinance, and

WHEREAS, the Planning Commission has given notice of its intention to consider the granting of a Special Use Permit as provided in Section 18 of said Ordinance No. 352 and as provided in 65905 of the Government Code of the State of California, and

WHEREAS, Staff has performed necessary investigations, prepared a written report, and recommended approval of this application subject to conditions, and

WHEREAS, a public hearing was held and an opportunity for public testimony was provided at a regular meeting of the Planning Commission on February 10, 2002, and

WHEREAS, at that meeting of the Planning Commission public testimony was received and recorded from Raul Mendoza, the applicant, and no one spoke in opposition to the proposal.

NOW THERFORE, BE IT RESOLVED as follows;

A. This Planning Commission hereby certifies that it 11as reviewed and considered the information contained in the Negative Declaration for the proposed project together with any comments received during the public review process, in compliance with the California Environmental Quality Act and the State Guidelines for the Implementation of the California Environmental Quality Act of 1970 prior to taking action on the project.

B. This Planning Commission hereby adopts the following findings of fact as to the reasons for approval of this application:

1. An application has been submitted for a Special Use Permit to establish a new dairy he AE-40 (Exclusive Agricultural - 40 Acre Minimum) Zone to accommodate a minimum of 4,850 total animal units (3,350 milk cows) in a facility covering approximately 78 acres of the 738 acre subject site. The balance of the acreage

(except for 81.92 acres in pasture) would remain under cultivation and available for irrigation with reclaimed dairy wastewater.

2. The 63 8.28 acre subject site is located on the west side of Road 41, at the Avenue 12 alignment, northwest of Wylie. Generally described as Portions of Sections 2 1 22 27, 28, Township 22 South, Range 24 East MDB&M. APNs, 293-190-33, 293 16 )-24P 293-170-05, -07,

3. The site and surrounding properties are zoned AE-40. The site is currently planted in field crops or used as dry or irrigated pasture. Surrounding properties are mostly planted in field crops. There are three existing dairies, one feedlot and an abandoned poultry facility within approximately one mile of the subject site. Dairy facilities are allowed in the AE-40 zone subject to approval of a special use permit.

4. The AE40 allows most agricultural uses and limited residential uses. Animal confinement facilities are permitted within this zone. subject to review and approval of i Special Use Permit. Section 16 of Ordinance No. 352, as amended, states the following:

"A *Special Use* Permit shall be granted only if it is found that the establishment, maintenance, and operation of the use of building or land applied for will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood or to the general welfare the County. Special Use Permits may be granted *subject to such* conditions as will insure compliance with the aforementioned standards."

The evidence in the record for this case supports a positive determination for this finding. This project therefore, subject to conditions of approval, is in compliance with the Obergene County Zoning Ordinance.

5. Access to the proposed dairy facility would be from Road 96, a 67 foot wide right of way which is in the county-maintained road system. Ultimate right of way for Road 41 is 84 feet according to the Transportation Division of the Resource Management Agency.

6. The site is located outside of any Urban Area Boundary. It is therefore subject to the policies of the Rural Valley Lands Plan (RVLP). The RVLP designates the site as agricultural and provides the following policy objectives:

- a. Discourage the conversion or division of agricultural lands to nonagricultural uses and parcel sizes.
- b. Provide for limited nonagricultural activities and necessary agricultural related industries in selected rural areas.

Since dairy/feedlot facilities are agricultural industries, this proposal meets the General Plan policies as they pertain to the RVLP

7. The ERME Open Space Plan designates the site "Extensive Agriculture.". This plan encourages the maintenance of agricultural lands for agricultural purposes. This plan also shows the subject site as outside of the Community Windshed designated for Wylie.

- 8. The Agricultural Advisory Committee's "Obergene County Dairy/Animal Confinement Facility Policies" have been adopted by the Planning Commission (Resolution No. 793) and by the Board of Supervisors (Resolution No. 98-0584) as a interim policy document for the location of new animal confinement facilities until new policies are incorporated into the County General Plan.

The proposed dairy meets all of the Policies, except the one mile radius animal unit density, as follows:

Of the 738 acre subject site, 488.36 acres meet the definition of "crop acreage" in the Policies, The on-site proposed animal unit density is 7.88 animal units per crop acre which is more than the "baseline" density of 4 per acre but less than the maximum density of 10 per crop acre. Within this range the Policies set forth parameters for the maximum allowable animal units per crop acre for different dairy development and operating scenarios that may be utilized by individual dairies. The proposed animal unit density per crop acre for this proposed freestall facility slightly exceeds conformance with the Policy parameters. All of the solid manure is proposed to be taken off site and all of the available crop acreage could be double cropped (although the applicant has stated that 'in an average year they would normally plant 40% of the acreage in alfalfa). Therefore, reducing the maximum herd size from 3,850 animal units to 3,814 animal units (a reduction of 36 animal units) would bring the facility into

conformance with the density policy. The milk cow density is 5.22 animalunit's per crop acre which is below the maximum density of 8 per crop acre.

The total animal unit density within a one mile radius of the subject site is 1. 8 animal units per acre which is less than the maximum of 4 per acre. However, the area to the south of the subject site includes several existing or approved large dairies. The one mile radius animal unit density for PSP 94070, an approved but not built dairy on the south edge of the mile. radius for the subject site, would be increased to just above 4.0 animal units per acre. Establishment of this proposed dairy at the proposed maximum herd size would therefore cause the one mile radius animal unit density of an existing animal confinement facility within the mile radius of the subject site to exceed 4 animal units per acre, which would not be in conformance with Policy No. 3. Policy No. 3 refers to "existing operations." PSP 94-070 is not an existing operation. However, this Commission has in the past applied the policy to approved dairy use pen-nits within the mile perimeter, even if the dairy is not built. Reducing the maximum animal units for the present proposed operation by 249.2 to 3,600.8 would put the one mile radius animal unit density for PSP 94-070 at exactly 4, and thus approving PSP 98055 at this reduced maximum would be consistent with Policy No. 3. This maximum herd size is reflected in the conditions of approval.

9. The. California Department of Fish and Game (DFG) submitted a letter on this project stating their general concerns and recommendations regarding dairy development. However, no site specific impacts were identified. The potential for of f site impacts from development of this dairy is lessened by the fact that is it not located within a designated area of special flood hazard. DFG asked why the 8 1.92 acre parcel in pasture was being included in the subject site if it was not to be used for wastewater disposal. From the County's point of view, the inclusion of this parcel is arbitrary. However, including the parcel in this site means that it is not available for potential use by some other animal confinement facility to be counted toward its crop acreage. Also, including this parcel in the subject site means that the owner/operator would have to apply for and receive approval from the County of an amendment or modification to the use permit in order to convert the pasture land to some other use. If the parcel remains outside the site, no such County control applies.
10. T his project, subject to the attached conditions of approval, is consistent with the General Plan of the County of Obergene.

11. A Negative Declaration was prepared and approved for public review by the Environmental Assessment Officer for this amendment. The Negative Declaration indicates that the impacts associated with the proposal are less than significant.
- C. This Planning Commission, after considering all of the evidence presented, found that the establishment, maintenance, and operation of the use of building or land applied for DDP 001 062 would not, under the circumstances of the particular case, be detrimental to the health, safety and general welfare of persons residing or working in the neighborhood or to the general welfare of the County.

AND BE IT FURTHER RESOLVED as follows:

- A. This Planning Commission hereby finds there is no substantial evidence that said Special Use Permit will have a significant effect on the environment and determines that the Negative Declaration for said Special Use Permit reflects the independent judgment of the County and has been completed in compliance with the California Environmental Quality Act and the State Guidelines for the Implementation of the California Environmental Quality Act of 1970.
- B. This Planning Commission hereby approves Special Use Permit Application No. DDP 01 062, subject to the following conditions:
1. The dairy acreage shall be 738.28 acres and the ort-site corral area shall be limited to accomodating a maximum of 4,600.8 total animal units (3,350 milk cows).

**Notwithstanding this condition, which is in conformance with Planning Commission Animal Density Policies, the Regional Water Quality Control Board may limit the operation to a lower maximum herd size than is approved under this Special Use Permit or require other adjustments.**

Animal units sW1 be calculated as follows: (Resource Management Agency)

	1 cow or bull animal unit	1.00
1 heifer or steer (2 years and up)	.75 animal unit	
	1 heifer or steer (1 -2 years) animal unit	.70
1 heifer or steer (3 months to 1 yr.)	.40 animal unit	
	1 calf (up to 3 months) .25 animal unit	

The facilities shall meet the requirements contained in the California Code of Regulations, Title 27 - pertaining to "Confined Animal Facilities" as administered the Regional Water Quality Control Board (RWQCB). The applicant shall submit a completed application, technical reports and any required filing fee to the

RWQCB prior to issuance of any building permits and at least 120 days prior to discharge. A copy of the material shall be submitted to the Code Compliance Coordinator at the time of submittal to RWQCB. Failure to submit the material in the required time will result in immediate notification sent to the RWQCB and a recommendation to the Planning Commission for initiating the process of revocation of this Use Permit. (RWQCB and Resource Management Agency)

2. Cropping patterns and disposal of solid animal waste shall be such as to maintain this facility in conformance with the animal density parameters set forth in Policy N( 2 of the Obergene County Dairy/Animal Confinement Facility Policies as adopted by Planning Commission Resolution No- 7693, as applicable to the operating herd size of this facility.
3. As noted on the approved site plan, the 81.92 acres included within APNs 293-170-07 and 293-190-11, which are currently in pasture, shall not be utilized for discharge of dairy wastewater.
4. Sufficient on-site parking shall be provided for all vehicles. The parking area and that entrance roads shall be treated with an acceptable dust retarding treatment so that dust and mud will not create conditions detrimental to the surrounding area and roads. Said treatment shall be maintained at all times. (Resource Management Agency,)
  5. All, drive approaches at driveways and major entrances to the improved portion of the site shall be constructed and surfaced as per the Obergene County Improvement Standards and the applicant or his contractor shall obtain an encroachment permit from the Obergene County Resource Management Agency prior to issuance of any building permits for construction and/or prior to doing work within any County road right-of-way- (Resource Management Agency)
6. All grading activities, with the exception of minor grading incidental to driveway approach installation, or grading otherwise exempt by Ordinance, shall be confined to areas on the project site which are set back a minimum distance of 100 feet from all adjacent property boundaries, including County road rights-of-way. Such grading within the prescribed 100-foot setback area may be considered agriculturally exempt from permit requirements under the Grading Ordinance. (Resource Management Agency)
7. The applicant shall make all necessary arrangements for the relocation of all overhead and underground public utility facilities that interfere with any improvement work to be performed by the applicant. The applicant shall also make

necessary arrangements with the public utility company affected for the cost of relocating such facilities and no portion of relocation cost will be paid by the County. (Resource Management Agency)

8. All new wells shall comply with the construction requirements of the Obergene County W.-II Ordinance. (Obergene County Environmental Health Division,
9. No new well shall be. located closer than 100 feet from any animal enclosure, nor *sh, I such* enclosure encroach within 100 feet of an existing well.
10. Inactive wells shall be properly destroyed in accordance with the Obergene County W-.11 Ordinance,
- 11, Any new liquid waste lagoons shall meet a minimum 150 foot setback from all wells, public ditches and public waterways.
12. All agricultural wells shall have an overhead air gap at the standpipes.
13. Animal confinement areas, manure storage areas, lagoons, disposal fields and crop lands shall be properly managed to prevent a nuisance of odors, dust and vector harborage and breeding.
14. Any new liquid waste lagoons shall be designed for maximum efficiency of waste disposal. Waste lagoons shall not be deeper than 20 feet and shall maintain a minimum, of 10 feet of separation from the highest recorded groundwater table. The lagoons shall not cause contamination nor pollution of groundwater. Verification of final depth shall be provided by the contractor to the Resource Management Agency Code Compliance Coordinator in the form of a written statement prior to any discharge of any liquid into the lagoon and after a final inspection has been conducted. (Resource Management Agency)
15. All new sewage disposal systems shall meet all construction standards and minimum setbacks of 100 feet from all wells, ditches, and waterways. (TCEHD)
  - 16, No liquid wastes shall be discharged into any public canal or public waterway nor sh dl there be any contamination or pollution of same. [Regional W iter Quality Control Board (RWQCB)]
17. Liquid waste lagoonsshall provide capacity to hold 120 days accumulation of liquids.



18. A surfaced fire apparatus access shall be provided twelve (12) feet in width, to within five (5) feet of the fresh water holding tank and the water pressure tank (Fire Warden)
19. A 30 inch by 30 inch hinged inspection cover shall be located on the fresh water holding tank. The inspection cover shall be located along the portion of the tank that fronts on the surfaced access. (Fire Warden)
20. The fresh water pressure tank shall be plumbed with a valved, 2-1/2 inch hose connection (National Hose Thread) in such a manner as to provide ready access for pumper connection. All plumbing from the tank to the valve shall be a minimum of 4 inches O.D. (Fire Warden)
21. Portable fire extinguishers shall be installed in the milk house as per N.F.P.A.-Pa. upblat 910 (10# ABC type). (Fire Warden)
22. Advisory Note: All activities associated with this dairy operation must comply with the Middle Valley Unified Air Pollution Control District Regulation VIII Fugitive Dust Rules such as construction, unpaved roads and open service areas.
23. All agricultural burning shall comply with the MVUAPCD Rules and Regulations.
24. No portion of the 738 acres covered by this application shall be sold or used for purposes other than those expressly permitted under this use permit unless an amendment to the use permit is approved by the County. This shall not restrict the sale of the entire parcel of property as a unit subject to all of the conditions required herein. In addition, if there is any change in the area available for waste water disposal, the applicant shall immediately notify the Assistant Director, RMA Current Planning to advise of the change and, if determined necessary by the Assistant Director, apply for an amendment to the use permit. (Resource Management Agency)
25. Dead animals shall be removed from the site within 48 hours and shall not be visible from the public road while awaiting removal. (Resource Management Agency)
26. A fly abatement program shall be used to keep flies under control on site so that they do not become a nuisance on site or to surrounding property owners. This shall include the scraping of accumulated manure from corrals areas on a regular basis or

as soon as permitted by weather conditions. (Resource Management Agency and Delta Vector Control District)

27. The dairy operation shall meet all of the requirements of the Delta Vector Control District for design and maintenance. (See Exhibit No. 1) (Delta Vector Control District)

28. Should any additional residences or mobile homes be constructed or installed, all densities and setbacks (separations from animal confinement and waste facilities, etc.) shall be in compliance with the AE-40 Zone. (Obergene County Ordinance)

29. If more than five (5) employees are housed on the site, the dairy operator shall contact the Resource Management Agency to determine if a Permit to Operate Employee Housing is required by Section 7-23-1000 et seq. of the Obergene County Ordinance Code and, if necessary, obtain such permit prior to occupancy.

30. If, during construction, or grading activities on the site, any resources of historic or prehistoric nature are discovered, all construction or grading shall temporarily cease and the Assistant Director, RMA Current Planning shall immediately be notified of the discovery. Further development shall not continue until the Assistant Director, RIJA Current Planning certifies that appropriate recovery measures, if deemed necessary, have been completed.

31. The applicant shall sign and record a Right to Farm Notice along with the Resolution approving this Special Use Permit, in accordance with Section 7-29 1(70(a) of the Ordinance Code

32. Flood protection measures shall be incorporated into the project at the building permit stage in accordance with the requirements of the Obergene *County Flood Control. Damage Prevention Regulations*

33. Standardized conditions as set forth in Planning Commission Resolution No- 5976 as amended by Resolution Nos. 6013, 63 3 4 and 6702 shall apply to this application (s, ~e Exhibit No. 2). (Resource Management Agency).

The foregoing resolution was adopted upon motion of Commissioner Stein, seconded by Commissioner Almendrez at a regular meeting of the Planning Commission on the 10<sup>th</sup> Day of February, 2002.

AYES: All

NOES: None,

ABSTAIN: None

ABSENT: None